

**BARBERING & COSMETOLOGY EXAMINING BOARD**  
**MINUTES**  
**MADISON, WISCONSIN**  
**AUGUST 7, 2000**

**PRESENT:** Barbara Flaherty, Leon Lauer, Bruce Bennett, Lorraine Norem, Karen Kraus, and Laura Jenkins

**EXCUSED:** Marvile Martin, Danny Trotter, Denise Svetly

**STAFF PRESENT:** Alfred Hall, Jr., John Schweitzer, Becky Fry, Darwin Tichenor;  
Members of Division of Enforcement Staff were present for portions of the meeting.

**GUESTS:** Jean Druckenmiller, Bureau of Public Health (by teleconference)  
Jan Studeville, Just Nails  
Annette Sather, NCA  
Marvin Rushing  
Pat Nickel, Wisconsin College of Cosmetology  
Dick Nickel, Wisconsin College of Cosmetology  
Mary Kardoskee, Carolyn's

**CALL TO ORDER**

Barbara Flaherty, Chair, called the meeting to order at 9:35 a.m., upon confirmation that the public notice was timely given. A quorum of six members was present.

**AGENDA**

Several revisions and modifications were made to the agenda.

1. Under item #6 a. "Final Adoption" of Rules Re: Change to Credit Salon Visits as Theory Hours
2. Under item #6 b. "Final Adoption" of Rules Re: Revising Section RL 62.11 (1) (1) Related to Permitting Structured Establishment Visits
3. Under item #8 e. "Discussion of Results of Letter Regarding Licensure of Those Employed in Shampooing and Hair Braiding"
4. Under item #10 a. pp. 26-28 of the agenda packet should be included
5. Under item #10 b. Status of BC "Manager" Task Survey
6. Under closed session c. i) should be "Ernest" Ellard
7. Under closed session c. iv) should be "Chic" Nails

**MOTION:** Lorraine Norem moved, seconded by Leon Lauer, to approve the agenda as amended. Motion carried unanimously.

**MINUTES (6/5/00)**

**MOTION:** Leon Lauer moved, seconded by Lorraine Norem, to approve the minutes as written. Motion carried unanimously.

## **ADMINISTRATIVE REPORT**

### **Secretary Marlene Cummings' Report**

Secretary Cummings welcomed Laura Jenkins to the Board.

- **Advisory Committee Update**

Secretary Cummings advised the Board that the Advisory Committee has been deliberating on new and different rules and a possible need for legislative changes.

- **Board Member Workshop Report**

Secretary Cummings thanked members for their attendance at the workshop and informed members that extra handbooks from the workshop were available.

- **Ethics Board Opinion: Board member Testifying as an Expert Witness**

The Board discussed William Dusso's July 13, 2000, memo advising that a Board member in the Department should not agree to serve as an expert witness in a judicial matter without first obtaining an opinion from the Ethics Board that the particular case would not result in a violation of the ethics code.

### **Alfred Hall, Bureau Director**

Mr. Hall informed the Board that the Advisory Committee had not met July 17, 2000, as scheduled. He advised the Board that the next Advisory Committee meeting would be August 21, 2000, to finalize recommendations to the Board for revising the administrative rules.

- **August 2000 Roster/2001 Proposed Meeting Dates**

The Board indicated minor changes to the roster.

The Board received a copy of the 2001 proposed meeting dates.

**MOTION:** Lorraine Norem moved, seconded by Leon Lauer, to approve the 2001 meeting dates. Motion carried unanimously.

- **Regulatory Digest**

Mr. Hall distributed a draft of the September 2000, Regulatory Digest.

The Board reviewed the draft and recommended minor corrections, changes and additions. It was recommended that an article summarizing the recommendations of the Advisory Committee, the addition of Laura Jenkins to the Board, and an article on material safety data sheets (MSDS) be included in the digest.

- **To-Pass Folder**

The To-Pass Folder was circulated and duly noted.

## **LEGISLATIVE UPDATE**

### **Status of LRB 0803/1 - Relating to Education Requirements for Barber, Cosmetologist, Barber Manager, Cosmetologist Manager, Aesthetician, Electrologist and Manicurist Licenses**

Noted.

### **Status of LRB 3269/2 – Relating to Eligibility Requirements for Licenses Granted by the Barbering and Cosmetology Examining Board and Disciplinary Action Taken By the Board**

Noted.

## **ADMINISTRATIVE RULES**

### **Final Adoption of the Rules Re: Change to Credit Salon Visits as Theory Hours**

The Board received a copy of the Order of the Barbering and Cosmetology Examining Board Adopting Rules.

Karen Kraus explained vocational school procedures relating to the externship program.

Bruce Bennett explained the NCAAS involvement in the externship program and concerns relating to completion rates in the program.

The Board discussed the proposed rules.

**MOTION:** Leon Lauer moved, seconded by Karen Kraus, to accept the final adoption of the rules. Motion carried unanimously.

Mr. Hall referred to a past motion to eliminate “electives” from the proposed rule change. He indicated that “electives” had not been omitted from the order to adopt the rule and indicated that at this point it could not be eliminated without starting over with the rule change.

The Board was in agreement that “electives” should remain in the rule.

### **Final Adoption of the Rules Re: Revising Section RL 62.11 (1) (l) Related to Permitting Structured Establishment Visits**

Noted.

### **10:30 A.M. Clarification of Intermediate and Low Level Disinfection – Ch BC 4; Sanitation and Safety, Barbering and Cosmetology; 7/2 & 29/00, Druckenmiller**

Jean Druckenmiller joined the meeting by teleconference for clarification of intermediate and low-level disinfectants and gave examples of each.

Ms. Druckenmiller reviewed the standard infection control definitions and explained that these definitions do not apply to all situations. She strongly recommended the use of alcohol because it is one of the best disinfectants and ~~which~~ is non-corrosive to metal and plastic instruments ~~and is one of the best disinfectants.~~ ~~She~~ Ms. Druckenmiller recommended that a quaternary ammonium compound, registered as a tuberculocidal agent, be used for cleaning floors, walls, and chairs; and that Lysol, a phenolic germicidal solution, be used for laundry disinfection in salons. Ms. Druckenmiller informed the Board that iodophor or betadine is used primarily to cleanse skin prior to surgical procedures. Ms. Druckenmiller advised that none of these items would work in the presence of organic material. Equipment must be cleaned completely before being disinfected.

Ms. Druckenmiller suggested striking items “c” and “d” of the proposed rules and adding quaternary ammonium compound that is registered as a tuberculocidal agent. Ms. Druckenmiller suggested eliminating language from the rule and simplifying the rule by including only intermediate-level disinfection with a tuberculocidal agent, which would cover all disinfectant needs in barber cosmetology establishments.

Ms. Druckenmiller stated that she was informed at this year’s National Infection Control Conference in Minneapolis, Minnesota, that clinical studies now show that waterless hand washing agents, with alcohol as the active ingredient, are acceptable in place of hand washing as long as no organic material is present.

## **BOARD MEMBER ACTIVITY**

### **Board Member Workshop July 13-14, 2000, Report**

Barbara Flaherty informed the Board that Karen Kraus and Bruce Bennett attended the workshop.

Bruce Bennett stated that the workshop was very informative and recommended that other members attend in the future.

Karen Kraus indicated that the role playing session relating to the Division and Enforcement and information received on the screening process were very helpful.

### **Strategic Plan Follow-up-Planning for the Future**

The Board received a copy of the March 20, 2000, meeting minutes.

The Board reviewed the following guidelines and noted that changes have been initiated. The process will be ongoing.

- a. Extent of Regulation
  - i. Inspections
  - ii. Forfeiture grid - fines and assessment
  - iii. Booth rental - refresher

- iv. Chemicals - MSDS
- v. Self inspection – self compliance form – update from DOE
- b. Congruency
  - i. Safety and sanitation
    - a) Recommendations from aesthetics/electrology/manicuring committee
    - b) Recommendations from Jean Druckenmiller
  - ii. Theory vs. practice
  - iii. Graduation requirements/objectives
  - iv. Nature of work – continuing education – NCAAS requirements
- c. Maintenance of Process
  - i. Enforcement
  - ii. Types/content
  - iii. OSHA - content of OSHA and code book-MSDS
  - iv. Continuing Education

The Board discussed continuing education for managers and that it must relate to the manager's true role.

The Board discussed the retention rate in the profession and the impact of the amount of time spent on theory and practice training of students on the retention in the profession.

The Board discussed entry-level employment and the use of program outcomes at vocational schools.

The Board discussed the importance of MSDS and suggested that an article be included in the Regulatory Digest.

#### **Scope of Practice for Manicurists, Aestheticians and Electrologists Advisory Committee Update**

Mr. Hall indicated that the last Committee meeting will be August 21, 2000. Recommendations from the Committee will be available after that meeting.

### **PRACTICE ISSUES**

#### **Change of Booth of Chair Rental At the Same Location**

Barbara Flaherty indicated that the Board must be notified of a change of address. A new establishment license would not be required.

Mr. Hall indicated that this information would be included in the Regulatory Digest.

#### **Internship Summary, Kraus**

This issue was deferred to the next meeting.

### **Continuing Education**

This issue is ~~on-going~~ on going ~~and was~~ deferred to the next meeting.

### **Establishment Support Personnel Curriculum**

This issue was deferred to a future meeting.

### **Discussion of Results of Letter Regarding Licensure of Those Employed in Shampooing and Hair Braiding**

The Board received and reviewed Representative Bonnie Ladwig's April 27, 2000, letter and survey response relating to the regulation of shampooing and hair braiding.

Barbara Flaherty stated that Wisconsin does not allow shampoo people because an apprentice can be used. She indicated that this issue would be addressed in the future through the strategic plan.

The Board recommended a response be sent to Representative Ladwig explaining that the Board is considering future discussion of subdividing licensure relating to her shampooing and hair braiding concerns.

## **APPRENTICESHIP PROGRAM**

### **Request for Working Less Than 32 Hours as an Apprentice**

The Board referred to s. 454.10 (2), Stats., that states ... "Apprentices shall receive training for a total of at least 32 hours per week. The training shall be completed in not less than two years and not more than 4 years."

The Board agreed that this is being violated in the profession but that the Board has no recourse; however, the Board cannot grant one person the right to work fewer hours without making it available for everyone. That would require a change in the law.

Mr. Hall suggested this request be referred to the Division of Enforcement.

A member from the public requested that an article be included in the Regulatory Digest to notify shops about unlicensed practitioners working in the establishments before they have a signed contract. The individual stated she has seen such practices in the Milwaukee and surrounding areas she services.

The Board advised that this practice is illegal and the responsibility is placed on the salon owner.

Mr. Hall suggested that the individual notify the Board when she becomes aware of such occurrences.

## **EXAMINATION ISSUES**

### **Results of Review of National Examinations for Electrologist and Aesthetician**

Darwin Tichenor informed the Board that the Committee formed to review the electrology examination recommended that the Board adopt the Certified Professional Electrologist (CPE) exam as the written examination for licensing of electrologists in Wisconsin. Mr. Tichenor recommended that if the CPE exam is adopted, the national passing score of 74% should also be adopted. He also stated that the fees for the written examination would increase from \$87 to \$131 and the fees for both written and practical examinations, including initial credential fee, would increase from \$164 to \$208.

The Board was concerned with the increase in the fees.

Mr. Tichenor stated the practical examination is ok and would remain basically the same, except for minor wording changes.

**MOTION:** Leon Lauer moved, seconded by Bruce Bennett, to accept the recommendations of the committee to adopt the CPE examination.  
Motion carried unanimously.

Mr. Tichenor informed the Board that the Committee formed to review the aesthetician examination determined that the general content of the NIC written examination was appropriate for the profession of aesthetics and practice in Wisconsin.

Upon review of the sample questions, concern was expressed with the content of the aesthetician exam and its relevancy to aesthetician scope of practice.

### **Status of BC Practitioner Task Survey**

Mr. Tichenor indicated a low return rate on the surveys and indicated the possibility of a follow-up.

The Board agreed that a sufficient number of surveys were returned and that various areas of the state were represented. Therefore, follow-up is not necessary.

The Board received a draft of the manager survey questions.

Mr. Tichenor informed the Board of the September 25, 2000, meeting of the Committee to finalize the task study and invited anyone interested to attend.

### **Use of the NIC Universal Test**

Darwin Tichenor distributed the National Cosmetology Test Information Bulletin for the Board's review.

Karen Kraus was concerned with the discrepancy that testing is done relating to human anatomy and it is not covered under the state curriculum. The Board recommended that Darwin Tichenor clarify the human physiology section and general chemistry section of the National Cosmetology Test Information Bulletin.

The Board recommended revisiting the NIC handout at a future meeting.

## **DIVISION OF ENFORCEMENT**

### **Self Compliance Form**

DOE staff questioned what steps the Board would like them to take when a compliance inspection affidavit has been signed, an inspection is done and the establishment is found in violation at the time of the on-site inspection.

The Board wants ~~agreed that a forfeiture~~ forfeiture ~~should be~~ imposed, as appropriate for a violation(s).

The Board recommended that the disciplinary grid be used for the new compliance inspection program in these cases where the establishment had stated it was in compliance.

**MOTION:** Leon Lauer moved, seconded by Bruce Bennett, that the Division of Enforcement use the disciplinary grid for new compliance. Motion carried unanimously.

### **Screening Panel**

No discussion held.

### **Role of Case Advisor**

No discussion held.

### **Disciplinary Grid Fines for Electrolysis Violations**

The Board discussed raising the amount for the first offense for disinfect/disposal reusable equipment on the forfeiture grid from \$100 to \$1000.

Alfred Hall distributed a copy of the last Regulatory Digest that included the forfeiture grid.

**MOTION:** Bruce Bennett moved, seconded by Leon Lauer, to increase the fine from \$100 to \$1000 on the forfeiture grid for failure to use sterilized needles 4.09(1) Stats. Motion carried unanimously.

## **LEGAL COUNSEL REVIEW OF TELEPHONE INQUIRIES**

### **CONFLICT OF INTEREST**

No discussion held.

## **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

The Board received Dorothea A. Sitte's 7/20/00, letter relating to receiving her manicurist license at the age of 77 and Secretary Cummings' 7/31/00 response. Noted.



### **3/21/00 Letter Concerning a Constituent Who is a Cosmetology Apprentice**

The Board noted ~~Correspondence with~~ Representative Barbara Gronemus' correspondence.  
~~Noted.~~

#### **NEW BUSINESS**

None.

#### **RECESS TO CLOSED SESSION**

**MOTION:** Leon Lauer moved, seconded by Bruce Bennett, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, deliberation on stipulations that may be signed after printing of the agenda, deliberation on proposed disciplinary actions that may be signed after printing of agenda, pending applications, apprentice requests for transfer, requests for appeal of denial, hearings on denied applications, and examination issues. Motion carried by a roll call vote: Bruce Bennett-yes; Leon Lauer-yes; Lorraine Norem-yes; Karen Kraus-yes; Laura Jenkins-yes; and Barbara Flaherty-yes.

Open Session recessed at 12:46 p.m.

#### **CLOSED SESSION**

The Board received a copy of the case status report.

The Board deliberated on case closings and stipulations.

#### **ADJOURN CLOSED SESSION**

**MOTION:** Leon Lauer moved, seconded by Bruce Bennett, to reconvene in Open Session at 1:27 p.m. Motion carried unanimously.

#### **VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

##### **CASE CLOSURE**

**MOTION:** Leon Lauer moved, seconded by Bruce Bennett, to close the following cases for reasons indicated as presented by the Division of Enforcement. Motion carried unanimously.

00 BAC 030	Insufficient evidence
99 BAC 022	P2

## **STIPULATIONS**

**MOTION:** Karen Kraus moved, seconded by Lorraine Norem, to accept the Stipulations, Findings of Fact, Conclusions of Law and Order in the matters involving the following stipulations. Motion carried unanimously.

Ernest Ellard (Milwaukee, WI)  
Byron Little (Milwaukee, WI)  
Lyle McDowell, D/B/A Millard Bates Hair Elegance (Milwaukee, WI)  
Tuan Nguyen, D/B/A Chic Clips (Racine, WI)  
Snip Too, Inc., D/B/A Great Clips (Eau Claire, WI)

**MOTION:** Bruce Bennett moved, seconded by Leon Lauer, to revise the administrative rules relating to disinfection based on earlier discussion. Motion carried unanimously.

The Board discussed the difference between case closings and the forfeiture grid for disciplinary action.

## **ADJOURNMENT**

**MOTION:** Bruce Bennett moved, seconded by Leon Lauer, to adjourn the meeting at 1:32 p.m. Motion carried unanimously.